

**FILED**

**JAN - 8 2013**

**Board of Vocational Nursing  
and Psychiatric Technicians**

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**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2011-1618

**GABRIELLE MARIE MATTHEWS**

1343 West Ivesbrook Street  
Lancaster, CA 93534

**A C C U S A T I O N**

Vocational Nurse License No. VN 185171

Respondent.

Complainant alleges:

**PARTIES**

1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about July 20, 1998, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License Number VN 185171 to Gabrielle Marie Matthews ("Respondent"). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2013, unless renewed.

**JURISDICTION AND STATUTORY PROVISIONS**

3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs, under the authority of the following

1 laws. All section references are to the Business and Professions Code ("Code") unless otherwise  
2 indicated.

3 4. Section 2875 of the Code provides, in pertinent part, that the Board may discipline the  
4 holder of a vocational nurse license for any reason provided in Article 3 (commencing with  
5 section 2875) of the Vocational Nursing Practice Act.

6 5. Section 2878 of the Code states in pertinent part:

7 "The Board may suspend or revoke a license issued under this chapter  
8 [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of  
the following:

9 (a) Unprofessional conduct, which includes, but is not limited to, the  
10 following:

11 ...

12 (d) Violating or attempting to violate, directly or indirectly, or assisting  
13 in or abetting the violating of, or conspiring to violate any provision or term of this  
chapter."

14 6. Section 2878.5 of the Code states in pertinent part:

15 "In addition to other acts constituting unprofessional conduct within the  
16 meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional  
conduct for a person licensed under this chapter to do any of the following:

17 (a) Obtain or possess in violation of law, or prescribe, or except as  
18 directed by a licensed physician and surgeon, dentist or podiatrist administer to  
himself or herself or furnish or administer to another, any controlled substance as  
19 defined in Division 10 of the Health and Safety Code, or any dangerous drug as  
defined in Section 4022."

20 7. Section 492 of the Code states:

21 "Notwithstanding any other provision of law, successful completion of  
22 any diversion program under the Penal Code, or successful completion of an alcohol  
and drug problem assessment program under Article 5 (commencing with section  
23 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any  
agency established under Division 2 ([Healing Arts] commencing with Section 500)  
24 of this code, or any initiative act referred to in that division, from taking disciplinary  
action against a licensee or from denying a license for professional misconduct,  
notwithstanding that evidence of that misconduct may be recorded in a record  
25 pertaining to an arrest.

26 This section shall not be construed to apply to any drug diversion  
27 program operated by any agency established under Division 2 (commencing with  
Section 500) of this code, or any initiative act referred to in that division."  
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1 **REGULATORY PROVISIONS**

2 8. California Code of Regulations, title 16, section 2521, states:

3 “For the purposes of denial, suspension, or revocation of a license  
4 pursuant to Division 1.5 (commencing with Section 475) of the Business and  
5 Professions Code, a crime or act shall be considered to be substantially related to the  
6 qualifications, functions or duties of a licensed vocational nurse if to a substantial  
7 degree it evidences present or potential unfitness of a licensed vocational nurse to  
8 perform the functions authorized by his license in a manner consistent with the public  
9 health, safety, or welfare. Such crimes or acts shall include but not be limited to those  
10 involving the following:

11 ...

12 (c) Violating or attempting to violate, directly or indirectly, or assisting in  
13 or abetting the violation of, or conspiring to violate any provision or term of Chapter  
14 6.5, Division 2 of the Business and Professions Code.

15 ...

16 (f) Any crime or act involving the sale, gift, administration, or furnishing  
17 of “narcotics or dangerous drugs or dangerous devices” as defined in Section 4022 of  
18 the Business and Professions Code.”

19 **COST RECOVERY**

20 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
21 administrative law judge to direct a licentiate found to have committed a violation or violations of  
22 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
23 enforcement of the case.

24 **DRUG DEFINITIONS**

25 10. Hydrocodone is a dangerous drug as defined in section 4022 of the Code and is a  
26 Schedule III controlled substance and a narcotic as defined by Health and Safety Code section  
27 11056(e).

28 11. Methamphetamine is a dangerous drug as defined in section 4022 of the Code and is a  
Schedule II controlled substance as defined by Health and Safety Code section 11055(d).

**FIRST CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct)**

12. Respondent is subject to disciplinary action under section 2878, subdivision (a) of the  
Code on the grounds of unprofessional conduct in that on or about September 15, 2011, County

1 of Los Angeles Sheriff's Department Officers ("Officers") conducted a search of a rear apartment  
2 on a property in response to a complaint of possible methamphetamine sales. In connection with  
3 the search, Officers searched the main home on the property in which Respondent resided. A  
4 search of Respondent's bedroom revealed methamphetamine, 3 glass pipes located on the bed,  
5 floor and desk, a digital scale on the desk, plastic bags, several cell phones located throughout the  
6 room and 10 Hydrocodone pills in several different plastic bags. Respondent told Officers that  
7 the Hydrocodone pills were hers and that she used to have a prescription but does not any longer.  
8 Respondent also told Officers that she knew her husband used to sell methamphetamine but that  
9 did not think he did so any longer.<sup>1</sup>

#### 10 **SECOND CAUSE FOR DISCIPLINE**

##### 11 **(Possession of Dangerous Drugs and Controlled Substances)**

12 13. Respondent is subject to disciplinary action under section 2878.5, subdivision (a) of  
13 the Code on the grounds of unprofessional conduct in that Respondent obtained or possessed  
14 methamphetamine and Hydrocodone, both dangerous drugs and controlled substances, in  
15 violation of the law. The conduct is described in more particularity in paragraph 12 above,  
16 inclusive and hereby incorporated by reference.

#### 17 **THIRD CAUSE FOR DISCIPLINE**

##### 18 **(Violating Provisions of Licensing Chapter)**

19 14. Respondent is subject to disciplinary action under section 2878, subdivision (d) of the  
20 Code in that Respondent violated provisions of the Vocational Nursing Practice Act. The  
21 violations are described in more particularity in paragraphs 12 and 13 above, inclusive and hereby  
22 incorporated by reference.

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26 <sup>1</sup> On or about April 24, 2012, Respondent pled guilty to one felony count of violating Health and  
27 Safety Code section 11350 [possession of a controlled substance] in the criminal proceeding entitled *The*  
28 *People of the State of California v. Gabrielle Marie Matthews* (Super. Ct. of California, County of Los  
Angeles, 2011, Case No. MA054073). The court accepted Respondent's plea and placed her on deferred  
entry of judgment for a period of 18 months, with terms and conditions.

1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians  
4 issue a decision:

5 1. Revoking or suspending Vocational Nurse License Number VN 185171, issued to  
6 Gabrielle Marie Matthews;

7 2. Ordering Gabrielle Marie Matthews to pay the Board of Vocational Nursing and  
8 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,  
9 pursuant to Business and Professions Code section 125.3;

10 3. Taking such other and further action as deemed necessary and proper.  
11  
12

13 DATED: JAN 08 2013



14 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
15 Executive Officer  
16 Board of Vocational Nursing and Psychiatric Technicians  
17 Department of Consumer Affairs  
18 State of California  
19 *Complainant*

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